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# LITIGATION SECTION'S MODEL CODE OF CIVILITY AND PROFESSIONALISM

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## **PREAMBLE**

The practice of law should be an honorable and noble profession. In the State of California, it is undisputed that the vast majority of the members of the Litigation Section strive to practice law in a civil and professional manner. They diligently uphold the duties of civility and professionalism that are owed to their clients, other parties, third-party witnesses, opposing counsel, the Courts and other tribunals, and the public.

Due to the contentious nature of litigation, some lawyers occasionally resort to engaging in abusive, offensive, derogatory, uncivil and unprofessional conduct in an attempt to gain an unfair advantage. Such conduct not only is improper, it is detrimental to the legal profession as a whole, and counterproductive.

In order to address such inappropriate activities, and promote civil and professional conduct among litigators in this State, the Litigation Section has adopted this "Code of Civility and Professionalism" ("Code").

The guidelines contained in this Code are not intended to create new civil causes of action. Nothing in this Code should be deemed to create, augment, diminish, or eliminate any substantive legal duty of lawyers, or the non-disciplinary consequences of violating such a duty. Consequently, while this Code is not a set of legal rules or regulations that can be enforced in a Court of law, it is designed as a code of conduct for litigators to adhere to on a personal level, as they strive to succeed in their professional lives.

The Litigation Section welcomes comments from its members on ways in which the Code can be modified or improved, including the addition of guidelines to address specific problems that litigators regularly encounter.

## **SECTION 1**

### **A Lawyer Should Adhere to the Highest Standards of Civility and Professionalism**

A lawyer should adhere to the highest standards of civility and professionalism at all times and under all circumstances. Specifically, a lawyer should comply with the following guidelines to promote civil and professional conduct among litigators in the State of California:

- (a) A lawyer should comply not only with the strict letter of the California Rules of Professional Conduct, but also the Rules' spirit.
- (b) A lawyer should uphold the image of a lawyer as civil, professional and ethical in the eyes of the public at all times.

- (c) A lawyer should conduct himself/herself with honesty, integrity, courtesy, and a commitment to justice.
- (d) A lawyer should honor all of his/her commitments, promises, and agreements, whether they are made orally or in writing.
- (e) A lawyer should never knowingly or intentionally make untrue or misleading statements of fact or law.
- (f) A lawyer should encourage and engage in pro bono or other civic, educational or volunteer activities to assist those who are poor, underprivileged, disadvantaged, or otherwise unable to afford legal services.
- (g) A lawyer should never engage in, and should speak out against, any prejudice or discrimination against any person based on race, color, national origin, ancestry, sex, gender, sexual orientation, marital status, age, religious creed, medical condition, physical or mental disability, or pregnancy, childbirth or related medical conditions.

## **SECTION 2**

### **A Lawyer Should Treat His/Her Clients With Courtesy and Respect, and Zealously Represent Such Clients In A Civil and Professional Manner**

A lawyer should treat his/her clients with courtesy and respect, and zealously represent such clients in a civil and professional manner. Specifically, a lawyer should comply with the following guidelines to achieve each of his/her client's lawful and meritorious objectives:

- (a) A lawyer should treat each of his/her clients with courtesy and respect at all times, and zealously represent each of the clients in a civil and professional manner.
- (b) A lawyer should keep current in the areas of law in which the lawyer practices.
- (c) A lawyer should strive to keep his/her clients informed about significant or noteworthy matters in a timely manner, including potentially damaging aspects of a client's case.
- (d) A lawyer should ensure that copies of important correspondence and other documents are sent to his/her clients in a timely fashion, even if such correspondence or documents are unfavorable to the clients, or otherwise show that the Court has ruled against the clients on one or more issues.
- (e) A lawyer should send complete and accurate billing statements to his/her clients on a regular basis.
- (f) A lawyer should provide advance notice to his/her clients of all necessary appearances that the clients must make. A lawyer also should notify his/her clients as soon as is reasonably practicable of all hearings, depositions, meetings, conferences or other scheduled appearances that are cancelled or postponed.

- (g) A lawyer should strive to promptly return or otherwise respond to all telephone calls, e-mail messages, faxes, letters and other communications received from his/her clients. If a lawyer is unable to personally respond to a client's communication in a prompt manner, to the extent possible, the lawyer should have someone from his/her office respond to the communication as promptly as possible, even if it is to simply acknowledge that the communication was received, and to inform the client of an approximate date or time when the lawyer will have an opportunity to respond to or otherwise contact the client.
- (h) A lawyer should strive to achieve the best results for his/her clients in an efficient, expeditious and cost-effective manner.
- (i) A lawyer should advise his/her clients that the lawyer will engage in professional and civil behavior while representing the clients' interests and handling the cases. A lawyer likewise should advise the clients that he/she expects the clients to engage in proper, non-abusive, and non-offensive behavior at all times and under all circumstances.
- (j) A lawyer should advise his/her clients that the lawyer will not pursue any conduct or course of action that is without merit, intended solely for delay, or primarily designed to inflame, offend, harass, or drain the financial resources of the other party.
- (k) A lawyer should never compromise the standards of civility or professionalism in any manner to achieve a litigation advantage over the other side.
- (l) A lawyer should never allow any current or potential clients to insist or dictate that the lawyer, or any member of the law firm, including any partners, associates, or staff, engage in any uncivil or unprofessional behavior for any reason.
- (m) A lawyer should advise his/her clients that, other than pursuing litigation, there are alternative methods of resolving their disputes with the other parties, including settlement negotiations, mediation, arbitration, or another form of alternative dispute resolution.
- (n) A lawyer should provide his/her clients with an honest and straightforward analysis of the advantages or disadvantages of pursuing various strategies, courses of action, or methods of resolving their disputes with other parties, including whether they should proceed with litigation, settlement negotiations, mediation, arbitration, or another form of alternative dispute resolution.
- (o) A lawyer should not foster or encourage unwarranted expectations or concerns for a client in connection with the merits of a client's case, including the probable chances of success or defeat relating thereto, in order to persuade a client to pursue an improper strategy, course of action, or method of resolving its disputes with another party, or to justify conducting unnecessary legal work in order to increase the amount of attorney's fees being charged to a client.

### **SECTION 3**

#### **A Lawyer Should Treat Other Counsel, And All Party And Third-Party Witnesses, In a Civil and Professional Manner**

A lawyer should treat other counsel, and all party and third-party witnesses, in a civil and professional manner. Specifically, a lawyer should be courteous and respectful in communicating and interacting with other counsel, and all party and third-party witnesses, by complying with the following guidelines:

- (a) A lawyer should be courteous and respectful in all of his/her oral and written communications. A lawyer should avoid hostile, demeaning, abusive, threatening or humiliating words in oral and written communications with other counsel, and with all party and third-party witnesses.
- (b) A lawyer should not disparage the intelligence, integrity, morals, ethics, or personal behavior of other counsel, or of a party or third-party witness, unless such matters are relevant to the matters a lawyer is handling on behalf of his/her clients under the controlling substantive law.
- (c) A lawyer should be truthful and accurate in all oral and written communications with or involving other counsel, and all party and third-party witnesses. A lawyer should not prepare a letter or other document which ascribes to other counsel or adversaries a position they have not taken, or which purports to create a “record” of events that have not occurred.
- (d) A lawyer should not seek extensions or continuances for the purpose of harassment, or to improperly extend or delay litigation. When requesting an extension or continuance, a lawyer should explain to other counsel the specific reasons for the request. When requesting an extension or continuance of time, a lawyer should likewise grant a reciprocal extension or continuance of time to other counsel in connection with any deadlines that are impacted by the lawyer’s request.
- (e) Upon request, a lawyer should extend professional courtesies and grant reasonable accommodations to other counsel and their respective clients, unless to do so would substantially prejudice the lawful objectives of the lawyer’s own client.
- (f) A lawyer should agree, as a matter of courtesy, to a first request for a reasonable extension of time, unless time is of the essence, or agreeing to such a request would clearly be inconsistent with the legitimate interests of the lawyer’s client. A lawyer should not refuse to grant an extension of time to other counsel simply because the same counsel had previously refused to grant an extension of time to the lawyer. Rather, the lawyer should strive to act in a civil and professional manner at all times irrespective of the prior activities or attitudes of other counsel.
- (g) After agreeing to a first request for an extension of time, a lawyer should consider any additional requests for extensions of time by balancing the need for a prompt resolution of the matter against considerations involving

the professional and personal schedule of other counsel or his/her client, the willingness of other counsel to grant reciprocal extensions, the anticipated time needed for the task, and whether it would be likely that a Court would grant the extension of time, if requested to do so.

(h) A lawyer should not, as a condition to granting a reasonable request for an extension of time, seek to eliminate or cut off the rights of other counsel or an opposing party. For example, a lawyer should not condition his/her agreement to grant a reasonable request for an extension of time to respond to a complaint on the basis that the opposing party will not challenge the sufficiency of a complaint by filing a demurrer or motion to strike.

(i) A lawyer should agree to reasonable requests for extensions of time when new counsel is substituted in for prior counsel, unless the substitution of new counsel is being done solely for the purpose of improperly extending or delaying the litigation, and granting such a request for an extension of time would substantially prejudice the lawful objectives of the lawyer's own client.

(j) A lawyer should make a reasonable effort to schedule all meetings, hearings, and discovery matters by agreement or consensus of other counsel, and should consider the scheduling interests of any opposing counsel, parties, witnesses, and/or the Court, to the extent that such persons are involved in such meetings, hearings or discovery matters. After an agreement has been reached concerning the scheduling of an event, a lawyer should send a notice to all counsel to avoid any future disputes or misunderstandings.

(k) A lawyer should not engage in unnecessary quarrels or disputes concerning the form or style of documents, but should only focus on matters of substance.

(l) To the extent a lawyer is engaged in negotiating and drafting the terms of a written document, the lawyer should clearly identify any and all changes he/she has made in any such document which is submitted to the lawyer's client, other counsel, or other parties, for their review and approval.

(m) A lawyer should not wait to return telephone calls until after it is likely that the other counsel has already left for the day, or otherwise is not in the office.

#### **SECTION 4**

##### **A Lawyer Should Act In a Civil and Professional Manner In Connection With All Pre-Litigation Activities**

A lawyer should act in a civil and professional manner in connection with all pre-litigation activities. Specifically, a lawyer should comply with the following guidelines:

(a) A lawyer should encourage negotiation of any and all disputes between parties prior to filing or otherwise commencing litigation, unless to do so would substantially harm the interests of the lawyer's own client, or would otherwise be considered futile under the circumstances at hand.

(b) If a lawyer knows the identity of counsel for a party, the lawyer should not cause a default or dismissal of a case to be entered against such party without first inquiring about the intent of such party's counsel to proceed and defend the case. A lawyer also should not seek an opposing party's default to obtain a judgment or substantive order without giving that opposing party sufficient advance written warning to allow the opposing party to cure the default.

## **SECTION 5**

### **A Lawyer Should Act In a Civil and Professional Manner In Connection With All Discovery Proceedings**

A lawyer should act in a civil and professional manner in connection with all discovery proceedings. Specifically, a lawyer should comply with the following guidelines:

#### **General Guidelines Re Discovery:**

(a) A lawyer should not seek Court intervention to obtain any discovery which is clearly improper, irrelevant, and not likely to lead to the discovery of admissible evidence.

(b) A lawyer should refrain from unnecessary, abusive, or excessive discovery.

#### **Written Discovery (Including Document Demands, Interrogatories, and Requests for Admission):**

(c) As provided in the applicable codes or rules, a lawyer should respond to all written discovery requests on behalf of his/her clients in a timely manner. In doing so, a lawyer should not make any unnecessary objections, or otherwise object to written discovery requests that are not objectionable. A lawyer should not make objections for the purpose of withholding relevant, non-privileged information, or otherwise obstructing or delaying the discovery process.

(d) In responding to written discovery requests, a lawyer should not interpret or decipher the categories of the written discovery requests in an artificially restrictive manner in an attempt to avoid disclosure, or to preclude the production of complete and accurate discovery responses. For example, in responding to a demand for production of documents, a lawyer should not interpret the request in an artificially restrictive manner in an attempt to preclude the production of all responsive and non-privileged documents. Similarly, in responding to interrogatories or requests for admission, a lawyer should not interpret the discovery requests in an artificially restrictive manner in an attempt to ensure that the answers are not truly responsive, and do not completely and accurately provide the information requested.

(e) In responding to written discovery requests, provided that counsel for the propounding party also provides the written discovery requests in an electronic form to the responding party, a lawyer for the responding party should set forth verbatim each of the requests, demands, interrogatories and/or

questions presented by the propounding party, and following each such request, demand, interrogatory and/or question, provide the written response of his/her client thereto.

(f) In responding to a demand for production of documents, a lawyer should not knowingly or intentionally destroy, shred, lose, misplace, or withhold any responsive and non-privileged document(s) which are in his/her client's possession, custody or control for any reason, including the fact that such document(s) contain information that is damaging to the interests of the lawyer's client in the case. A lawyer also should advise his/her clients to diligently look for, locate and produce all documents that are responsive to a demand for production of documents, and not to shred, lose, misplace, hide, or withhold any such documents for any reason.

(g) In responding to a demand for production of documents, a lawyer should not adopt an expansive and invalid interpretation of the laws governing the various privileges and doctrines recognized in federal and state Courts, including attorney-client, attorney work product, physician-patient, marital communications, and trade secret privileges, in order to improperly withhold any of his/her client's documents from production to the requesting party. (h)

A lawyer should not delay producing any relevant, non-privileged documents in an attempt to prevent opposing counsel from inspecting such documents prior to the scheduled depositions of any party or third-party witnesses, or for any other tactical reason.

(i) If a lawyer inadvertently receives one or more document(s) which the lawyer knows are privileged, the lawyer should promptly contact counsel for the producing party and inform counsel that the privileged document(s) were produced. Upon request by counsel for the producing party, the lawyer should return any and all originals and copies of the privileged document(s) within one (1) week of receiving the request. The lawyer should not seek any further discovery, including asking any questions at depositions or through written discovery, concerning any privileged information contained in such privileged documents, unless the lawyer can demonstrate that he/she has obtained or learned the privileged information through other non-privileged sources.

### **Depositions:**

(j) Before noticing the deposition of a party or third-party witness, a lawyer should make a good faith effort to consult with opposing and other counsel in an attempt to schedule the deposition on a date that is convenient for all counsel, parties and witnesses. Alternatively, if a lawyer fails to make a good faith effort to consult with opposing and other counsel before noticing a deposition, the lawyer should be willing to re-schedule the deposition to a date that is convenient for all counsel, parties and witnesses.

(k) Since an agreed-upon deposition date is presumptively binding, if a lawyer subsequently seeks to change the deposition date, the lawyer should attempt to coordinate a new date before changing the agreed-upon deposition date.

- (l) When another party notices a deposition in the reasonably near future, a lawyer should not normally notice another deposition for an earlier date without the agreement of other counsel.
- (m) A lawyer should notice and conduct a deposition of a witness only when actually needed to ascertain facts or information, or to perpetuate testimony. A lawyer should never use a deposition as a means of harassment or to generate expense.
- (n) A lawyer should not engage in any conduct during a deposition that would be inappropriate in the presence of a judicial officer.
- (o) A lawyer should remember that arguments or conflicts with other counsel during depositions are not personal, and vigorous advocacy is not inconsistent with professional courtesy. A lawyer should treat other counsel, other parties, and witnesses with courtesy and civility, and conduct himself/herself in a professional manner during depositions. A lawyer should not engage in discourtesies or offensive conduct at depositions, including, for example, disparaging the intelligence, integrity, ethics, morals or behavior of other counsel, other parties, and witnesses when those characteristics are not at issue, or disparaging a person based on race, color, national origin, ancestry, sex, gender, sexual orientation, marital status, age, religious creed, medical condition, physical or mental disability, or pregnancy, childbirth or related medical conditions.
- (p) When conducting a deposition, a lawyer should only ask questions that are likely to lead to the discovery of admissible evidence and reasonably necessary for discovery in connection with the prosecution or defense of the action, and should not intentionally prolong or otherwise make the deposition last longer than necessary. A lawyer should not inquire into the personal affairs of the deponent when such questions are manifestly irrelevant to the subject matter of the action, and not likely to lead to the discovery of admissible evidence.
- (q) When conducting a deposition, a lawyer should not repeatedly ask the same or a substantially-identical question of a deponent, if the question has already been fully and responsively answered by the deponent. Thus, unless the deponent's prior response was evasive or incomplete, a lawyers should not continue to ask the same or a substantially-identical question because a lawyer does not like or agree with the deponent's prior answer.
- (r) When conducting a deposition, a lawyer questioning the deponent should provide to all other counsel present a copy of all documents shown to the deponent during the deposition. The copies should be provided either before the deposition begins, or contemporaneously with the showing of each document to the deponent.
- (s) When defending a deposition, a lawyer should not make objections or statements which are designed to, or otherwise have the effect of, coaching a deponent as to what he or she should say, or otherwise suggest answers to a pending question. A lawyer should object to a question only when it is necessary under the applicable rules to preserve an objection (i.e., to the form



of the question), or to preserve a privilege. A lawyer should state such objections in a concise manner, and not argue or otherwise attempt to explain the factual or legal basis for the objection during the deposition.

(t) When defending a deposition, a lawyer should not instruct a deponent to refuse to answer a question except (i) to protect a recognized privilege, (ii) to enforce a limitation on evidence previously directed by the Court, or (iii) to suspend the deposition and present a motion as provided by law or rule . If a prompt ruling as to the validity of such an instruction cannot be obtained, the instruction should stand and, upon agreement by counsel for the parties, the deposition should continue until a ruling is obtained, or the problem is resolved.

(u) When defending a deposition, if a lawyer or the deponent wish to take a break, for the comfort or convenience of the lawyer or the deponent, a request for such a break should be made on the record. Counsel should attempt to reasonably accommodate each other and the deponent in agreeing to take a break, including allowing the examining lawyer to come to a convenient juncture in his/her line of deposition questioning before such a break is taken.

(v) When defending a deposition, a lawyer and the deponent should be entitled to take a break and confer privately at any time during a deposition (including while a question is pending) for the purpose of determining whether a recognized privilege should be asserted, provided that, before any such break is taken, the examining lawyer should be given a reasonable opportunity to ask questions, and lay a foundation on the record concerning whether a legitimate issue of privilege does, in fact, exist. In addition, before any such break is taken, the examining lawyer should be entitled to rephrase or withdraw any questions implicating a privilege so as to eliminate the need for any break to be taken. Alternatively, the lawyer defending the deposition may simply instruct the deponent to answer the question(s) without revealing any privileged information, so as to eliminate the need for a break in the deposition.

(w) To the extent that a lawyer confers with a deponent while a question is pending to determine whether to assert a recognized privilege, the fact and duration of such a conference may be noted on the record and, in the event of abuse, an appropriate protective order may be sought. The details of any off-the-record conference between a lawyer and the deponent during a recess may be a subject for inquiry by the examining counsel, to the extent such information is not privileged.

(x) Absent a legitimate issue concerning privilege, neither a lawyer, nor the deponent, should unilaterally take a break in the deposition, while a question is pending or otherwise, for the purpose of allowing the lawyer to confer with the deponent, or vice versa.

**Law and Motion:**

(y) Prior to filing any law and motion matters, a lawyer should engage in good faith meet-and-confer discussions in an attempt to resolve any outstanding disputes.

(z) A lawyer should not file or serve a motion or other papers in any manner which would unfairly limit another party's opportunity to respond, including filing and serving a motion on the Friday before a holiday weekend, or during a time when a lawyer knows that the opposing attorney is out of town, on vacation, or engaged in another trial for an extended period of time, or is otherwise unavailable to review the motion and prepare a timely response thereto, unless the lawyer is required to file and serve the papers on a specific date or time based on the rules governing the specific law and motion matter.

## **SECTION 6**

### **A Lawyer Should Act In a Civil and Professional Manner In Connection With All Mediation Proceedings or Settlement Discussions**

A lawyer should act in a civil and professional manner in connection with all mediation proceedings or settlement discussions. Specifically, a lawyer should comply with the following guidelines:

(a) During mediation or settlement discussions, a lawyer should not act to protect his/her own personal interests, but should strive to achieve a resolution that is in the best interests of his/her own clients. A lawyer should not interfere with or object to a client's desire to settle the dispute quickly and in a cost-effective manner.

(b) During mediation or settlement discussions, a lawyer should provide his/her client with an honest and straightforward analysis of the settlement demands or offers made by the other parties, and the advantages and disadvantages of accepting such demands or offers in lieu of taking the case to trial.

(c) During mediation or settlement discussions, a lawyer should do his/her best to provide the mediator or settlement officer with all of the necessary facts, law, theories, opinions and arguments which would assist the mediator or settlement officer in reaching a resolution of the dispute with the other parties.

(d) A lawyer should not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial.

(e) When preparing settlement agreements, a lawyer should attempt to prepare documents which completely and accurately reflect the agreement reached between the parties. A lawyer should not knowingly or intentionally include provisions which have not been agreed upon, or omit provisions which have been agreed upon, by the parties.

## **SECTION 7**

### **A Lawyer Should Act In a Civil and Professional Manner In Connection With All Trial Proceedings**

A lawyer should act in a civil and professional manner in connection with all trial proceedings. Specifically, a lawyer should comply with the following guidelines:

- (a) A trial lawyer should conduct himself/herself so as to preserve the right to a fair trial, which is one of the most basic of all constitutional guarantees. This right underlies and conditions all other legal rights, constitutional or otherwise. In administering justice, a trial lawyer should assist the Courts in the performance of two difficult tasks: (i) discovering where the truth lies between conflicting versions of the facts so that the lawyer does not knowingly advocate a position on behalf of his/her client that is based on false or misleading facts or evidence, and (ii) applying the relevant legal principles to the facts at issue. These tasks are demanding and cannot be performed in a disorderly environment. Unless order is maintained in the courtroom and disruption prevented, reason cannot prevail and constitutional rights to liberty, freedom and equality under the law cannot be protected. The dignity, decorum and courtesy, which have traditionally characterized the Courts of civilized nations, are not empty formalities. They are essential to an atmosphere in which justice can be done.
- (b) During a trial, a lawyer should always display a courteous, dignified and respectful attitude toward the judge presiding, not for the sake of the judge's person, but for the maintenance of respect for and confidence in the judicial office. The judge, to render effective such conduct, has reciprocal responsibilities of courtesy to and respect for the lawyer who also is an officer of the Court. A trial lawyer should vigorously present all proper arguments against rulings or judicial demeanor that the lawyer deems erroneous or prejudicial, and see to it that a complete and accurate case record is made. In this regard, the trial lawyer should not be deterred by any fear of judicial displeasure or punishment.
- (c) During a trial, a lawyer has a professional obligation to represent every client courageously, vigorously, diligently and with all the skill and knowledge the lawyer possesses. It is both the right and duty of the trial lawyer to present the client's cause fully and properly, to insist on an opportunity to do so, and to see to it that a complete and accurate case record is made without being deterred by any fear of judicial displeasure or punishment. However, the obligations of the trial lawyer are to be performed within, and not outside, the bounds of the law. The office of the attorney does

not permit, much less does it demand, of a lawyer for any client a violation of law or any manner of fraud or chicanery. A trial lawyer must obey his/her conscience and not that of the client.

(d) In performing these duties, a trial lawyer should conduct himself/herself according to the law and standards of professional conduct as defined in codes, rules and canons of the legal profession, and in such a way so as to avoid disorder or disruption in the courtroom. A trial lawyer should advise the client appearing in the courtroom of the kind of behavior expected and required of the client there, and prevent the client, so far as lies within the lawyer's power, from creating disorder or disruption in the courtroom.

(e) During a trial, a lawyer should refrain from raising frivolous objections, or otherwise making improper comments or statements about other counsel, parties, third-party witnesses, the Court, or members of the Court's staff, including during voir dire, opening statement, the direct or cross examinations of any witnesses, or closing argument.

(f) During a trial, a lawyer should refrain from engaging in any conduct or using any body language which is designed to ridicule, poke fun of, mock, demean, or otherwise embarrass or humiliate other counsel, parties, third-party witnesses, the Court, or members of the Court's staff, including rolling his/her eyes, throwing up his/her hands, shrugging his/her shoulders, shaking his/her head, sighing deeply, or any combination thereof.

(g) During a trial, a lawyer should not: (i) unlawfully or improperly obstruct another party's access to evidence, unlawfully alter, destroy or conceal a document or other material having potential evidentiary value, or counsel or assist another person to do any such act; (ii) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law; (iii) knowingly disobey an obligation under the rules of the tribunal; or (iv) allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, or assert personal knowledge of facts in issue except when testifying as a witness.

## **SECTION 8**

### **A Lawyer Should Uphold The Integrity and Independence Of the Courts**

A lawyer should uphold the integrity and independence of the Courts. Specifically, a lawyer should comply with the following guidelines:

(a) A lawyer should strive to be punctual at all times, and should notify the Court as soon as is reasonably practicable if the lawyer anticipates that he/she will be delayed for a hearing or other matter pending before the Court.

(b) Subject to the presumption of privilege for all communications with a lawyer's client and all work product of the lawyer, a lawyer should strive to fully answer all questions posed by the Court in an honest, complete, and straightforward manner.

- (c) A lawyer should not knowingly or intentionally misrepresent, mischaracterize, misquote or miscite facts or law to the Court in an attempt to gain an advantage over another party.
- (d) A lawyer should file and submit papers to the Court which have been thoroughly and diligently researched and prepared by the lawyer or a member of his/her staff, and which do not contain any unnecessary, inflammatory or prejudicial material.
- (e) A lawyer should file and submit declarations to the Court which are completely truthful, accurate and correct. A lawyer should not knowingly or intentionally omit, delete, withhold, leave out, or otherwise misstate important facts or information in an attempt to bolster the declarant's credibility, or otherwise support the client's case.
- (f) Even if a lawyer disagrees with the analysis or rulings of a Court, a lawyer should continue to act in a civil and professional manner both before the Court itself, and in his/her subsequent dealings with the lawyer's clients, the media, and/or the public.
- (g) When a lawyer is assigned to appear before a judicial officer with whom the lawyer has a social relationship or friendship beyond normal professional association, the lawyer should notify opposing counsel of the relationship.